

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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COLETTE WARNER,

Plaintiff,

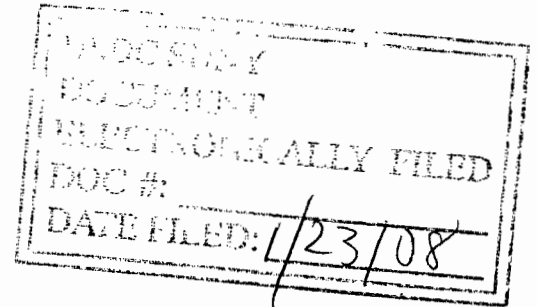
-against-

THE CITY OF NEW YORK, P.O. "JANE" RILEY, and  
SGT. "JOHN DOE", individually and in their official  
capacities, (the name John Doe being fictitious, as the true  
name is presently unknown),

Defendants.  
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**SCHEDULING ORDER**

07 Civ. 9785 (SAS)



WHEREAS, the Court issued an Order for a conference, in accordance with Rule 16(b) of the Federal Rules of Civil Procedure, on December 5, 2007 (the "Order"); and

WHEREAS, the Order requires that the parties jointly prepare and sign a proposed Scheduling Order containing certain information;

NOW, THEREFORE, the parties hereby submit the following information as required by the Order:

- (1) the date of the Conference and the appearances for the parties:
  - January 22, 2008 at 4:30 P.M.
  - Plaintiff by Rose M. Weber, Esq.
  - Defendant City of New York ("City") by David M. Hazan, Esq.<sup>1</sup>
- (2) a concise statement of the issues as they then appear:

Plaintiff contends that on September 6, 2006, she was arrested for disorderly conduct without probable cause and assaulted by P.O. "Jane" Riley and Sgt. "John Doe," that she was falsely imprisoned by defendants, and that she was subjected to malicious abuse of process and maliciously prosecuted by defendants, all in violation of plaintiff's constitutional and statutory civil rights. Plaintiff also contends that defendant City of New York was negligent in hiring,

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<sup>1</sup> According to the docket sheet, to date plaintiff has not yet served defendants P.O. "Jane" Riley or Sgt. "John Doe." Further, this case has been assigned to Assistant Corporation Counsel Philip S. Frank, who is presently awaiting admission to the bar and is handling this matter under supervision. Mr. Frank may be reached directly at (212) 788-0893.

training, retaining and supervising P.O. "Jane" Riley and Sgt. "John Doe" and engaged in a course of conduct that encouraged the use of excessive force and false arrests by its police officers in violation of her civil rights.

Defendant City asserts that there was probable cause for plaintiff's arrest and denies that plaintiff was maliciously prosecuted or subjected to malicious abuse of process, excessive force, assault and battery. Further, defendant City denies that it was negligent in hiring, training, retaining and supervising P.O. "Jane" Riley and Sgt. "John Doe" and denies that it engaged in a course of conduct that encouraged the use of excessive force and false arrests by its police officers in violation of her civil rights.

(3) a schedule including:

(a) the names of the persons to be deposed and a schedule of planned depositions:

Plaintiff intends to take the depositions of defendants P.O. "Jane" Riley and Sgt. "John Doe" (once identified). Plaintiff reserves the right to depose additional persons should any be identified during the course of discovery.

Defendants anticipate deposing plaintiff Colette Warner, as well as any witnesses to the incident alleged in the Complaint. Additional depositions may be needed as discovery continues.

Time when depositions will be completed: **May 30, 2008**

(b) a schedule for the production of documents:

The parties will each serve demands for production of documents by **January 31, 2008** and will respond pursuant to the applicable Federal Rules of Civil Procedure.

(c) dates by which (i) each expert's reports will be supplied to the adverse side and (ii) each expert's deposition will be completed:

At the present time, the parties do not anticipate any expert discovery in this action. They do, however, reserve the right to designate experts and engage in expert discovery in accordance with the Rules should the need arise.

(d) time when discovery is to be completed: **May 30, 2008**

(e) the date by which plaintiff will supply its pre-trial order matters to defendant:  
**June 13, 2008**

(f) the date by which the parties will submit a pre-trial order in a form conforming with the Court's instructions together with trial briefs and proposed voir dire questions and proposed jury instructions: **July 7, 2008**

(g) a space for a date for a final pre-trial conference pursuant to Fed. R. Civ. P. 16(d), to be filled in by the Court at the conference. June 16 at 4:30

(4) a statement of any limitation to be placed on discovery, including any protective or confidentiality orders: **none known at this time**

(5) a statement of those discovery issues, if any, on which counsel, after a good faith effort, were unable to reach an agreement: **none known at this time**

(6) anticipated fields of expert testimony, if any: **none anticipated**

(7) anticipated length of trial and whether to Court or jury: **3 to 4 days by jury**

(8) This Scheduling Order may be altered or amended only on a showing of good cause not foreseeable at the time of the conference or when justice so requires.

(9) names, addresses, phone number and signatures of counsel;

Rose M. Weber, Esq.  
Attorney for Plaintiff  
225 Broadway, Suite 1608  
New York, NY 10007  
(212) 748-3355

MICHAEL A. CARDOZO  
Corporation Counsel of the  
City of New York  
Attorney for Defendant City of New York  
100 Church Street  
New York, New York 10007  
(212) 788-8084

By: \_\_\_\_\_  
Rose M. Weber (RW-0515)

By: \_\_\_\_\_  
David M. Hazan (DH-8611)

SO ORDERED:

  
\_\_\_\_\_  
SHIRA A. SCHEINDLIN, U.S.D.J.

1/22/08